

**1398. Misbranding of Barker's Poultry Powder, Spray Inhalant for Poultry, Hog Round Worm Powder, and Poultry Round Worm Powder. U. S. v. 4 Bags of Barker's Poultry Powder (and 1 other seizure action against Barker's Spray Inhalant for Poultry, Hog Round Worm Powder, and Poultry Round Worm Powder). Default decrees of condemnation. Portion of products ordered delivered to a charitable institution; remainder ordered destroyed. (F. D. C. Nos. 11821, 11590. Sample Nos. 50727-F, 50730-F, 50731-F, 50733-F.)**

On or about December 15, 1943, and January 14, 1944, the United States attorney for the District of New Jersey filed libels against 4 100-pound bags of Barker's Poultry Powder at Mount Holly, N. J., and against 10 1-pint bottles of Barker's Spray Inhalant for Poultry, 10 1-pound packages of Barker's Hog Round Worm Powder, and 10 1-pound packages of Barker's Poultry Round Worm Powder, at Cologne, N. J. It was alleged in the libels that the articles had been shipped on or about November 24 and December 1, 1943, from Philadelphia, Pa., by Barker, Moore and Mein Co.

The Poultry Powder was labeled as containing the following minerals: Magnesium sulfate, dried iron sulfate, potassium nitrate, sulfur, sodium chloride, iodine, potassium iodide, calcium carbonate, iron oxide, magnesium carbonate, sodium hydrosulfite, sodium bicarbonate, partially defluorinated superphosphate, manganese carbonate, copper carbonate, cobalt chloride, zinc chloride, and nickel chloride; and the following vegetable materials: Asafetida, fenugreek, ginger, pennyroyal, black pepper, old process linseed cake meal, mustard bran, cocoa meal, calumba root, including 13 percent protein, 3½ percent fat, and 16 percent fiber. Examination of a sample disclosed that the article was essentially of the composition indicated on the label.

The article was alleged to be misbranded in that certain statements on its label and in booklets entitled "Barker's Poultry Hand Book," which accompanied the article, were false and misleading, since they represented and suggested that the article was an appetizer and conditioner; that it would provide the essential minerals that help to keep the body fighting fit and the vegetable ingredients that assist with the smoothing and toning of the digestive operations; that it would save chicks; and that it would be efficacious in the treatment of diarrhea, pullorum disease, blue comb, enteritis, coccidiosis, cecal or bloody coccidiosis, intestinal or upper type coccidiosis, blackhead, roundworms and tape worms, respiratory disorders, and infectious fowl coryza (cold). The article would not fulfill the promises of benefit, nor would it be effective in the treatment of the conditions mentioned.

Analysis disclosed that the Spray Inhalant for Poultry was composed essentially of kerosene and phenols, such as creosote. The article was alleged to be misbranded in that certain statements on its label and certain statements and the design of the respiratory tract of a chicken, appearing in the booklet, were false and misleading, since they represented and suggested that the article would be effective in the treatment of respiratory disorders, infectious fowl coryza (cold), watery discharge from the nose and eyes, sticky eyelids, aspergillosis (brooder pneumonia), nutritional roup, and congested air passages. The article would not be efficacious in the treatment of those conditions. It was alleged to be misbranded further in that it was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each active ingredient.

Analysis disclosed that the Hog Round Worm Powder consisted essentially of plant material (including tobacco), thymol, sand, and kamala. It was alleged to be misbranded in that the statements on its label which represented and suggested that it would be effective in the treatment of roundworms that infest hogs were false and misleading, since the article would not be effective for that purpose.

Analysis disclosed that the Poultry Round Worm Powder consisted essentially of tobacco, thymol, and sand. The article was alleged to be misbranded in that the statements on its label and in the above-named booklet, which accompanied the article, were false and misleading since they represented and suggested that the article would be efficacious in the treatment of any species of roundworms in poultry, whereas the article would not be efficacious for that purpose.

On March 1 and 15, 1944, no claimant having appeared, judgments of condemnation were entered and Poultry Powder, which had some feed value, was ordered delivered to a charitable institution. The other products were ordered destroyed.